

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
SEPTEMBER 21, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, September 21, 2015 with Scott Maddern, Marc Johnson, Jeff Hubbard, Shawn Farrell, Bill Wilson present. Town Manager Michael Lombardo, DPW Director Bill Redford, and CPC Chairman Tom Catalano also present.

**Call to order**

Scott Maddern called the meeting to order at 7:00 p.m.

**Public Comment**

Rosemary Kennedy, Rust Street, asked if trees being taken down in Town due to disease and age would be replaced with new trees.

**Chairman/Selectmen reports**

Shawn Farrell reported on Planning Board's site plan review of Institute for Savings proposal 545 Bay Road, 315 Sagamore ANR, 650 Asbury Street ANR, Conservation Commission's approving Myopia Hunt Club's pond dredging and pump house rebuild, Notice of Intent for 318 Forest Street relative to Title 5 compliant septic system, denial of associate member appointment to the Open Space Subcommittee, CPC application eligibility scoring system and review of applications including from the Hamilton Historical Society, Council on Aging, Town Hall rehabilitation, ECGA and Sagamore Hill, CPA surcharge, and Recreation Board discussed turf field.

Bill Wilson spoke to Board of Health flu clinics, letter to business owners about banning use of thin film plastic bags and polystyrene, disposable food containers, HW School Committee reviewed projects, PARC versus MCAS testing, joint BOS/FinCom meeting on five year operating plan and budget calendar.

Jeff Hubbard mentioned veterans' open house on September 13, joint FinCom meeting and his follow-up email on debt capacity, turf field 2018 \$500,000 schedule, CPA projects the Town can or cannot afford,

Marc Johnson noted that feedback on draft land acquisition policy had been received from Open Space Subcommittee, and Verizon has a variable coverage termination number to waive termination fees.

Scott Maddern mentioned that the Patton Homestead incorporators are getting close to non-profit status, a joint meeting on turf field is scheduled with other Town entities with presentation from Gale Associates, and that seniors are providing feedback about aging in Town concept, LED street lights being installed.

### **Town Manager's report**

Town Manager Michael Lombardo reported on zoning by-law review committee meeting in preparation for spring Town Meeting, updates are occurring on three-year forecast, documents are being prepared for closing with C. P. Berry on Patton Homestead property, the pool house design is before ZBA in October where the public can provide input, and next steps is to get construction bids and demolition will begin in October/November timeframe. Cell phone bids are out and will be opened October 15. Also mentioned was use of Chapter 90 funds for Patton Park parking lot at Weaver Pond. DPW Director Bill Redford explained that \$100,000 grant the Town had expected for the project was not funded due to 9C cuts. Some of the work is being done with public works staff, some costs are being paid for from highway budget funds in addition to Chapter 90 funds. The project is two-thirds done so he cannot provide final costs for the project yet in response to a request from Hubbard.

- Department Reports – William Redford, Director of Public Works

Redford provided a department overview with 13 full time and 2 part time personnel that work on roads, drainage, parks, sidewalks, snow removal, waste collection, storage street lights, water main replacement, tank evaluation, sanitary survey of public water supply, pool parking lot including signage and it will be striped before binder coat is put down, CPC funds for cannon wheels and discussion on possible relocation, remarking of Sherman tank, LED lights should be installed in two weeks (lumens are being evaluated and project could save Town \$30,000 a year), \$7,000 Mass. Development grant, state funds for public roads repaving, preparations underway for salt purchase and repairs to vehicles for snow removal.

Also mentioned was peer review of water treatment plant and issues with filter media that is not effective, the Town is looking at other options for water supply, and the water main work has prevented the Town from wasting water. In addition, the Town is

looking at aged maple trees in Town and an option for replacement would be to push trees back onto private property and use easements. The right of way where trees are currently planted is not conducive to many species where most trees do not grow well or the trees break up sidewalk and roadway. The three trees to be taken down by the library will be replaced with smaller species.

The Bridge Street culvert project was put out to bid based on cost and utility's schedule as well as by Army Corps and Conservation Commission mandates. By the time the Town received go ahead from FEMA and MEMA this schedule could not be met by contractor where budget had to be spent in 120 days and work had to be done by end of September. The rebuild of the box culvert will be put out to bid again, MEMA has committed to the funds and work will be scheduled for next summer during low water.

Also mentioned was unpaid water charges and one bill that is past due. Non-Hamilton residents have been habitually delinquent in paying bills. Discussion addressed potential use of shutoff notice as well as the Town trying to work with neighboring communities to resolve the issue. The largest delinquent bill is over \$1,000 and has been for years. In addition, there has been a problem with meter readers so estimated billing has occurred which does not detect leaks in a household. The Town is trying to get to a 1% fail rate on the meters. Once a new meter is installed and read this gives the Town an accurate reading of water consumed per household.

## **CONSENT AGENDA**

- Vote to approve recommendations made by the Deputy Tree Warden, as outlined in memos attached.
- Vote, as Water Commissioners, to approve recommendations made by DPW Director concerning unpaid water charges.
- Approve Minutes: August 24, 2015 – Regular Session; September 8, 2015 – Regular Session.

Maddern noted 30 day notice to shut off water for non-resident customers over 12 months delinquent in paying water bills over \$500. These non-residents could bring their bills current and implement a payment plan. Maddern read items and entertained a motion to approve the Consent Agenda. Johnson so moved. Farrell seconded the motion. VOTE: Unanimous.

## **APPOINTMENTS & REAPPOINTMENTS**

- Vote to appoint Richard Flynn as Constable with a term expiring June 30, 2016.

Farrell moved to appoint Richard Flynn as Constable with a term expiring June 30, 2016. Johnson seconded the motion. VOTE: Unanimous.

- Vote to appoint and reappoint Town Poll Workers, as detailed on attached list, with all terms expiring July 31, 2016.

Hubbard moved to appoint and reappoint Town Poll Workers, as detail on attached list, with all terms expiring July 31, 2016. Johnson seconded the motion. VOTE: Unanimous.

## **AGENDA**

- Report from Bill Redford re status of implementation of plowing and sanding of private ways program announced last fall

Discussion ensued about how last fall when preparation was underway for snowplowing review was done of Town by-law where a street with less than four houses is a private way and is not supposed to be snow plowed by Hamilton. The Town is supposed to have signed petitions from the majority of owners of private ways waiving liability and requesting that the Town sand and plow. Notices were sent to all private ways that the Town was plowing and push back came where there were deed restrictions or Planning Board restrictions where the homeowners were responsible for plowing and sanding on streets with less than four houses.

The Board of Selectmen have allowed for the current standard for homeowners to petition Town Meeting for a change in by-law or to clear any deed restrictions/Planning Board restrictions prior to this coming year. The Town can go forward following the by-law to not sand and plow private ways with less than four homes, or residents of private ways can update petitions and seek assistance from Town officials/boards with removal of deed restrictions.

The Town has a petition from Carriage Lane and there was no deed restrictions from Planning Board relative to the subdivision. Carriage Lane has a deeded agreement that is a mechanism for the lot owners to share subdivision costs. Redford said according to Town counsel, Carriage Lane is not precluded from the Town plowing the private way.

Last year the Selectmen voted that ways with fewer than four houses would not be plowed anymore. Private ways with deed restrictions where residents petition the Town are being redirected to the Planning Board for consideration as to whether it would be appropriate for the Planning Board to remove restrictions or covenants that would prohibit the Town from plowing those ways. In addition, private ways with more than four houses and no restrictions can petition the Town for sanding and plowing dependent upon no impediments or deficiencies in the road that would not allow the Town to plow safely. Also, if there is something that would preclude the Town from plowing the street, sanding and plowing would revert back to the homeowners.

In response to Philip Lake, Gale Avenue, the Town manager said if the way has more than four units and there are no restrictions the Town can be petitioned, an inspection will be conducted and plowing is likely to continue. Redford noted that Gale Avenue has four or more houses but there is a Planning Board restriction (recorded association document). The Town does not plow any private ways in Asbury Grove but Hamilton sands its courtyard.

Discussion ensued with Beth McCloud, Bancroft Way, where there is a Planning Board decision that abutters are responsible for plowing. This neighborhood would have to go before the Planning Board relative to street acceptance policy. No streets have petitioned Planning Board for snowplowing but one has started street acceptance process. Johnson noted that Planning Board restrictions outline what services are included as part of subdivision process.

Hubbard asked how the process could be streamlined for residents so they could have the Town plow their roads. Redford has met and shared info with a number of Bancroft Way residents about what process would be used with Planning Board. The Planning Board wants to look at each subdivision case-by-case not by a broad policy. Johnson noted that the language about how subdivisions are restricted is very different. The subdivisions that will be effected will receive a letter from the Town on the matter.

- Police Chief Russell Stevens to propose by-law changes for the Town noise ordinance

Police Chief Russell Stevens summarized the success of the public safety day, upcoming police academy, the Department received reaccreditation, and safe trade/commerce zone was created at the Hamilton Police Department in the public safety building

parking lot where there are cameras and signage so anyone conducting business with an unknown individual via an online sale could use the safe location to meet and deter theft.

Police Chief Stevens spoke to noise by-law and need for amendments so it is could be friendlier rather than first step to bring a violator to court, a fine could be issued (\$100 at first violation is currently in by-law) after educating public about ways to reduce nuisance noise by being respectful (i.e., using chainsaw or trash truck pick-up from 7 a.m. to 9 p.m.). In addition, Stevens recommended that the Town manager rather than the police chief should be the hearing officer which would be consistent with dog complaints and parking tickets. Discussion was about decibel standard associated with nuisance noise, if there could be a warning before a fine is issued at the first violation, and that the by-law could be amended (i.e., distance) with input from the Board and Town counsel as well as public at a BOS meeting with expectation to be done in time for a Town Meeting vote in November. There is an appeal process associated with the by-law.

- Discussion with Tom Catalano, Chairman of the Community Preservation Committee updating potential CPA projects and consideration of changing CPA rate from 2 to 3%

Tom Catalano summarized that four of six CPA project applications had been approved by the CPC to move forward to fall Town Meeting: \$9,980 for 3<sup>rd</sup> phase of digitizing historical photos and documents; \$65,000 to replace basement windows and upgrade electrical service at American Legion; \$13,000 to Hamilton Housing Authority for 31 Union Street exterior repair and restoration; \$1.75 million for Town's partial share in an open space acquisition. The CPC is developing a long term capital needs survey for projects five years out.

Discussion ensued about raising the CPA surcharge level from 2% to 3% after Hamilton has been in the funding program for 10 years. He noted that the benefit outweighs increase in surcharge cost which needs further study including funding models. Catalano mentioned that residents can file for a tax abatement related to CPA surcharge per household. The surcharge is based on assessed value with an exemption of \$100,000 for every household. The median household value in Hamilton is \$397,000 and annual 2% surcharge costs this household \$102.16. If a community has a 3% surcharge it is eligible for up to three rounds of matched funding from real estate transfers in the state versus one round of matched funds at 2%.

Hamilton is getting \$351,527 from the Town's surcharge, and \$110,608 in state match for a total of \$462,135 annually. If the Town went to the 3% surcharge the average median household cost would go up \$51 per household (50%). The state match would go up more than 100%. The state match would go from 31% to 52% and the dollar amount would go from \$110,000 to \$272,000.

The CPC has been analyzing the Town's capacity to take on debt for larger projects (i.e., Sagamore Hill) through bonding. Also, the Town Hall renovation. The additional surcharge would increase the Town's bonding capacity and increase further if there are multiple CPA categories (historic preservation, open space and recreation, community housing) involved in a project. The Town has to allocate 10% of all CPA funds received to each of these categories annually. With the Town's current debt obligation (Donovan field), the debt capacity is \$3,700,000, and could go up to \$6 million with 3% surcharge. There will be more outreach to the community to understand how taxpayers feel about the prospect to change surcharge and more research will be done on the topic.

Johnson stated that CPC has been a strong steward of CPA funds and he is comfortable with concept of moving to 3%. Hubbard opined about the cost associated with the Town going to the community with pool, turf field, Patton Homestead, Town Hall renovation, Sagamore Hill projects. He noted that options should be given since water bills just went up 40% and \$50 increase on tax bill could be a lot to some residents. Also, that effort needs to be made to make housing affordable in Hamilton.

Catalano explained in the 10 years the Town has had CPA it has collected \$3.3 million from surcharge and \$1.5 million from the state match for a total of \$4.5 million and \$2.5 million was spent. The Town has \$1.2 million in reserve in undedicated reserve (\$900,000), and each category has its fund balance. He emphasized that conversation about increasing surcharge started a year ago and was not precipitated by Sagamore Hill project. Also, in an effort to ensure there is transparency in CPC's processes a scoring system was created so applicants could understand how CPC arrives at decisions on projects. The Town can afford Sagamore Hill without any change in surcharge level given Hamilton's bonding capacity.

Discussion ensued about how the increased state match would offset the increase in surcharge tax. In response to Bill Wilson who expressed interest in how the Town spends tax dollars, Catalano offered to gather information on what the surcharge is in similar communities to Hamilton. Farrell concurred with concept of capital needs and a capital budgeting plan that could come from organizations asking for CPA funds including the Community House, American Legion and COA. Maddern noted that

concern about tax increase is valid, if surcharge discussion should be presented at fall Town Meeting and if the conversation could be tied to projects that could or could not be done with existing surcharge, and any change in the surcharge would require a citizens' initiative to ballot vote. Also, how the CPC has information on the existing reserves and amount of projects that could be supported by 2%, 2.5% and 3% up to 2021.

Also addressed was it would take an act of the Legislature to eliminate CPA program. Duke Seaver opined that CPA funds should be used to pay for projects not be related to bonding. That Sagamore Hill was a rare open space land acquisition opportunity but there is not enough CPA reserves to pay outright for the project. There will not be any significant loss in tax revenue if the Sagamore Hill property is maintained as open space due to Chapter 61A status the parcel has been paying \$423 a year in real estate taxes.

- Essex County Greenbelt Grant Application discussion and consideration of Town's active participation in the grant

Chris LaPointe, Director of Land Conservation ECGA, recapped opportunity to acquire and protect Donovan land in Hamilton (170 acres) and Essex (170 acres). ECGA is working with Trust for Public Land that has a purchase contract with the Donovan Conservation LLC that owns the land in Hamilton and Essex Land Realty Trust that owns the land in Essex for \$5.1 million. Funding commitments have to be in place to meet contract obligations by December 31, 2015. The funding plan consists of a multi-faceted, multi-funding approach. Greenbelt is raising \$1.5 million privately for its top priority project and is making good headway with the campaign.

The second funding source is the Landscape Partnership Grant, a funding source from the state. To be eligible for the grant the project area has to exceed 500 acres. Greenbelt has been working with adjoining landowners in Hamilton, Essex and Ipswich for a total of 525 acres with 185 donated conservation easements. To date no applications for the partnership grant have come from east of Boylston in the state. The grant request can be and will be for up to \$2 million.

The request to Hamilton through the CPC is up to \$1.75 million in CPA funds or related bonding to be a partner in the project for a conservation restriction that the Town would hold forever. The final funding sources that Greenbelt is approaching include request into DCR of \$250,000 and this is pending as part of state budget process. Also being done is work with Essex CPC toward modest purchase price for Essex land.



The total projected funding sources exceed the purchase price since there is variability in funding sources. Due to other competition and funding availability Greenbelt might get less than \$2 million from Landscape Partnership Grant so ECGA is maintaining opportunity to do project if grant comes in less. In addition, if more money is raised than purchase price Hamilton's cost will decrease. The Town is being asked to vote on a not to exceed number. The state wants to see local funding commitment, priority for Hamilton and that project is worthy of full grant award.

ECGA, LPT, HW Land Trust are prepared to sign on as partners to the grant request along with Town of Hamilton. The Town's commitment is contingent on Town Meeting vote to spend CPA money. The grant application is due on September 30, 2015 and Greenbelt has drafted the application for submission.

Discussion ensued about Hamilton's 170 acres with all road frontage on Sagamore Street and few wetlands constraints, and appraised value of \$4.8 million which is the agreed to purchase price. For the Essex 170 acres, the agreement is to purchase 120 acres for \$300,000 and 50 acre conservation restriction will be donated. The 120 acres in Essex are under separate ownership, there is no road frontage, and land backs up to Choate Street where there is a major wetland and the unbuildable back land with no frontage is valued at \$400,000. The town of Essex cannot buy land in Hamilton and CPA funding in Essex is 10% of the CPA funds for Hamilton.

Discussion with Town officials was about an agreement between ECGA and the Town defining roles and responsibilities relative to grant and ownership. Wilson and Farrell concurred this was a great opportunity and signing off on the grant application is not an endorsement of the project but it could move the project ahead for the Town to decide. Hubbard opined that based on prior CPA funding discussion it is impossible for the Town to decide if it can afford to do this project. He agreed with being part of grant application process if there are no expenses involved (i.e., Town manager's time) and thought this could cause confusion for the public that BOS is moving forward to buy the parcel. It was noted that the property is currently privately owned and not open to the public although ECTA trails from soccer field are used.

LaPointe clarified how existing financial obligations are known as well as revenue stream. Bonding cannot be done against state match. What would be determined is how much bonding should be done relative to using Hamilton's CPA reserves. Hubbard reiterated that there are other projects that may use CPA funds such as Town Hall renovation, turf field, and Patton Homestead and Town could not afford all of the CPA projects. LaPointe explained that TPL and ECGA have invested 100% in diligence costs,

negotiating agreements and site walk costs. Hubbard noted that many people in community would be concerned about borrowing money through CPA. LaPointe spoke as 21 Mill Street resident about borrowing on an appreciating asset and when bond is paid off there would be no regrets about preserving the property.

Johnson concurred about support for the Town joining on the grant application and agreement should be reviewed by Town counsel, and that this action does not commit to the state that the Town should move forward with the project. He suggested a vote should come before the BOS to assess support for grant and project. He thought 3% CPA surcharge would make the decision about Sagamore Hill property easier. Also noted was how grant application should be reviewed for accuracy on Assessor's map for Donovan parcel.

Maddern mentioned that Sagamore Hill conservation restriction should be its own warrant article from CPC. He concurred with Wilson, Farrell and Johnson about being a party to grant application and it does not indicate the Board is in support of the project and it would be conditioned on full review by Town counsel.

Maddern entertained a motion to authorize the Town manager to be a co-applicant on the Landscape Partnership Grant program on the condition that Town counsel has fully reviewed it as well and it is not an endorsement of the Sagamore Hill project in of itself. Johnson opined that the application is clear that the project is conditioned on Town Meeting vote and act of applying indicates if possible the Town would support the project.

The motion was rephrased for the Selectmen to authorize the Town manager to work with Town counsel to apply for the grant subject to word changes and negotiation of agreement between Greenbelt and the Town if deemed appropriate to extent that is necessary. Discussion ensued about how support for the grant application by the Board does not include at this time the Board's support for the Town moving forward with the funding for the project.

Johnson moved to approve the Town joining the Landscape Partnership Grant program and signing on with the partners as described this evening as long as Town counsel has reviewed the partnership, the documents that came with the partnership grant, and if appropriate Town counsel, Town manager and Essex County Greenbelt Association come to agreement as to any other issues related to management of property. Farrell seconded the motion. VOTE: Unanimous.

Johnson asked if the additional existing Chapter 61A properties that were part of the grant application would still be Chapter 61 properties even after the permanent conservation restriction was in place. LaPointe explained that those Hamilton properties would likely stay in Chapter 61A.

- All Land Use Boards meeting – discuss possible meeting items and dates

Discussion ensued on topics for All Land Use Boards meeting including rewriting of zoning by-law, design guidelines for downtown, land use rules and regulations in introduction packet, master schedule for Town board and committee meetings including Town Meetings, discussion of capital projects, where is Town with downtown (i.e., HDC and analysis of downtown septic system cost), role of Planning Board and ZBA relative to rewrite of zoning by-law and land acquisition policy, other boards should update website with current agendas and minutes as well as temporary handouts (i.e., memos), ULI charrette report, timing would include zoning by-law ready by May, introduction package before next April, and include financial information and capital projects. Maddern will speak to other chairs to determine a meeting date.

- Review and discuss Debt Capacity memo

Lombardo summarized that the Town has AAA bond rating with low debt issued relative to capacity. The Town has a debt limit of \$65 million and if borrowing were done for a large project such as sewerage the borrowing limit goes to \$130 million relative to affordability and tax rate. This analysis was done partly in consideration of turf field project.

If the Town maintains good surplus levels of free cash (5%), manages expenses and infrastructure is in good shape this could potentially not affect Hamilton's bond rating if borrowing was done. Hubbard spoke to auditor's report relative to debt and opined that an annual report could summarize buckets of debt in one document in terms of amount of money the Town is able to borrow. Discussion was on CIP and step down ladder on debt provided to Selectmen that included \$500,000 in fiscal year 2018 for turf field. There was also mention about an upcoming joint meeting between Hamilton BOS, Wenham BOS, and HW School Committee to talk about turf field project. An FY'17 ask for the turf field is unlikely due to two Town Meetings between Hamilton and Wenham needing to come together on matter. HWRSD is targeting FY'18. Hubbard stated that no vote has occurred on CIP. Discussion ensued with Johnson, Farrell and Wilson about the importance of showing due diligence related to borrowing affecting the tax rate and discussion about debt versus leveraging reserves.

- Set date of next Selectmen meeting

The next Selectmen's meeting will be on Monday, October 5.

**NEW BUSINESS**

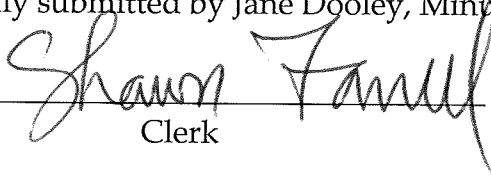
- Consideration of topics for discussion at future Selectmen's meetings

Discussion addressed land acquisition policy, noise by-law, Sagamore Hill.

Maddern entertained a motion to adjourn at 10:00 p.m. Farrell so moved. Wilson seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:

  
Clerk